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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

June 20, 2012

TO: Internal File

THRU: Daron Haddock, Team Lead 

FROM: Joe Helfrich, Biology

RE: Revised Appendix 3-5, Alton Coal Development LLC, Coal Hollow Mine, Permit C/025/0005, Task ID #4100

SUMMARY:

On January 23, 2012 the Division received an addendum to chapter three, appendix 3-5 of the approved MRP entitled "Greater Sage Grouse Population and Habitat Improvements Progress Report". On February 8, 2012 Division staff met with Dustin Schaible, Rhett Boswell and Bruce Bonebreak from DWR and Kirk Nicholes and Steven Petersen from ACD. Suggested changes and additions to the addendum were discussed. The Division completed the review of the addendum and sent ACD a letter noting deficiencies on February 28, 2012. On March 2, 2012 the Division received a response to the deficiencies noted in the Divisions correspondence dated 02/28/2012. The Division completed the review of the addendum and sent ACD a letter noting deficiencies on March 28, 2012. On May 21, 2012 the Division received a response to the Division's March 28th deficiency letter. On June 5th, 2012 Joe Helfrich met with Kirk Nicholes and Steven Petersen to discuss suggested changes to the May 21 mitigation plans. This memo will include a review of the information received on May 21.

SUMMARY OF DEFICIENCIES:

Alton Coal Development has adequately addressed the deficiencies noted in the Division's correspondence dated March 28, 2012.

TECHNICAL MEMO

TECHNICAL ANALYSIS:

GENERAL CONTENTS

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

The Divisions' deficiency document sent to ACD on 02/28/2012 was based on the review of the addendum to Appendix 3-5 that was submitted by ACD on 01/23/2012. The responses to the deficiencies in the May 21, 2012 application by the permittee are presented in a red line strike out format. They include: the table of contents, the 2012 action plan, the ACD progress report, appendix 3-5 and a copy of the Division's deficiencies with a response to each of the deficiencies.

If appendix 3-6 is the annual report for the mine, it should be a stand alone document separate from the MRP. Information in appendix 3-6 that is germane to the deficiencies noted in the addendum to Appendix 3-5 is also included in the addendum. This addendum has been incorporated into appendix 3-5.

Findings:

The redline strike-out information in the application is adequate to meet the requirements of this section of the regulations.

OPERATION PLAN

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Protection and Enhancement Plan

Table 2 is located in appendix 3-6. The information in table 2 has been mapped, analyzed and summarized with conclusions and recommendations. The table and data generated from future observations includes approximate GPS coordinates and a category for identifying the birds, (male female, juvenile). The sighting information has been mapped and labeled, (Drawing 3-8), to correspond with the other drawings in chapter 3 of the MRP. The text includes analysis, summarization, conclusions and recommendations.

Page 7, the reference to Carl Heaton in paragraph 4 has been revised to note figure 3.

In order to meet the goals outlined on page three of the current appendix 3-5 the permittee has revised the appendix to include the following additional information:

Habitat Improvement and Mitigation), the permittee has verified that this heading is the same as, (Habitat Restoration),

Figure 2, the acreage of the vegetation treatment areas that have been completed within the corridor,

Figure 3, the acreage of the conservation area for the sage-grouse that will not be mined and Table 1, a summary of the acreages for these areas,

Drawing 3-9 and Figure 6, the proposed vegetation treatment areas for 2012 and or subsequent years up to five based on the current proposal,

Field verification of acres of mitigation completed to date,

A narrative that describes the locations, methodologies, treatments, estimated # of acres treated per year, and time frames for completion,

Drawing 3-10 which includes pre mining data that delineates the locations of birds,

A narrative and survey protocols for monitoring vegetation and wildlife for the current and future habitat restoration areas,

A detailed plan for using decoys to shift breeding activities to alternate lek sites in Sink Valley and,

Figure 8 noting the locations, (2012 and future), where the decoys will be placed to attract Sage grouse.

TECHNICAL MEMO

When the Division of wildlife services completes their predator control obligations for 2012 a copy of the invoice and receipt of payment will be included in appendix 3-6. The contract included in appendix 3-5 is for a five year period. A commitment to provide a yearly assessment of the effectiveness of the program is also included in appendix 3-5. Consultation should include representatives from DWS, DWR and DOGM.

A revised employee awareness program that includes participation with DWR Is included in Chapter 3.

Findings:

The additional information provided in the revisions to Chapter 3, appendix 3-5 and 3-6 is adequate to meet the requirements of this section of the regulations.

RECOMMENDATIONS:

The application is recommended for approval.